

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
JAN 20 1993
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DIST. DIVISIONIN REPLY REFER TO:
1800B3-BJB

Music Ministries, Inc.
P. O. Box 4164
Evansville, IN 47724

Community Education and
Religion Broadcasting, Inc.
205 West Main
Loogootee, IN 47553

In re: NEW(FM), Loogootee, IN

Music Ministries, Inc.
BPED-920128MG

Community Education and
Religious Broadcasting, Inc.
BPED-920930MB

Dear Applicants:

Preliminary engineering reviews of your applications reveal that the proposed facilities would result in mutual electrical interference if they were constructed as specified in the subject applications. Thus the applications are considered to be mutually exclusive as they now stand. Grant of either of these applications would come only after a comparative hearing.

The policy of the Commission is to avoid sending educational applications to hearing, if at all possible, so that the substantial delays and expenses involved in the hearing can be avoided. This policy finds its underpinnings in the inability of many educational applicants to bear the costs (such as legal fees) that they would incur in prosecuting mutually exclusive applications through the hearing process. Accordingly, we are taking this opportunity to make you aware of your application's mutual exclusivity. We will withhold further action with respect to the subject applications for a period of sixty (60) days so that you have an opportunity to evaluate the situation and hopefully take such steps as would remove the mutual exclusivity. Possible alternatives include decreases in operating powers or antenna heights, and frequency changes to increase the spectral separation of the proposed facilities. Share-time agreements between mutually exclusive educational applicants have also been employed to avoid designating their applications for hearing.

In sum, we urge you to communicate with each other concerning the mutual exclusivity issue and, if possible, to amend your applications so as to remove the present conflict between them.

Regarding BPED-920930MB:

An engineering study of application BPED-920930MB has revealed discrepancies in the height of radiation center above ground level, above mean sea level, and above average terrain listed in Section V-B, Item 7(b) of the application. Specifically, Section V-B specifies the following data:

	<u>Horizontal</u>	<u>Vertical</u>
ERP in the horizontal plane	0.00	1.60 kW
Height of radiation center:		
-above ground (RCAGL)	55 m	55 m
-above mean sea level (RCMSL)		281 m
-above average terrain (HAAT)	281 m	125 m
Site Elevation	177 m.	

If only vertically polarized effective radiated power (ERP) is intended, there should be no horizontal RCAGL or horizontal HAAT values. Furthermore, the RCMSL (which is equivalent to the sum of the site elevation and the RCAGL) does not agree with the listed RCAGL. Specifically, using the given RCAGL (55 meters) and the site elevation (177 meters) the RCMSL should be 232 meters.¹ Please note that any change in RCMSL or HAAT would require the recalculation of the HAAT and contour values listed in Item 18 and a new contour map.

In addition, the ERP used to calculate the contour distances listed in Figure 6 is incorrect. Specifically, although Figure 6 lists the ERP as 2.5 dBk (which is equivalent to 1.78 kW), Section V-B specifies the ERP to be 1.60 kilowatts or 2.04 dBk. Moreover, even using 2.5 dBk, the distances to the contours shown are incorrect. Consequently, a revised list of the contour distances and a new contour map must be supplied.

Finally, pursuant to OST Bulletin No. 65, October 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation," when work is to be performed on the tower, the transmitter power of all stations must be reduced or completely eliminated to comply with the ANSI guidelines. Furthermore, in situations like this, where there are multiple contributors to radiofrequency radiation, it is also necessary to submit a

¹We note that, if the RCMSL were actually 281 meters the radiation center would be at the same height as WKMD's antenna array.

certification that an agreement will be in effect requiring all stations to reduce power or cease operations as necessary to assure worker safety with respect to radiofrequency radiation when construction or maintenance is being performed at the site. Therefore, the application must be amended to include such a certification. These discrepancies must be eliminated by amendment to application BPED-920930MB within 60 days of the date of this letter.

Action on these two applications will be deferred for 60 days, to allow you the opportunity to negotiate and submit any necessary amendments. Failure to respond within this time period will result in these applications being designated for comparative hearing. Please note that any response must be submitted in triplicate through the Office of the Secretary and signed in the same manner as the original application.

Sincerely,

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Mr. Paul Dean Ford
Ms. Michelle K. Harris
Jones Engineering and Electronics